

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2012

***ROUGH DRAFT
JOURNAL***

**FIFTY-SECOND DAY
APRIL 19, 2012**

OFFICE OF THE CHIEF CLERK *g*

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FIFTY-SECOND DAY

Thursday, April 19, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 11:39 o'clock a.m., with Vice Speaker Manahan presiding.

The invocation was delivered by former Representative Kirk Caldwell, after which the Roll was called showing all Members present with the exception of Representatives Ching and Tokioka, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Twenty-Sixth, Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, Thirtieth and Thirty-First Days were approved. (Representatives Ching and Tokioka were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1121 through 1128) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 1121, informing the House that on April 17, 2012, the following bill was signed into law:

S.B. No. 2971, entitled: "A BILL FOR AN ACT RELATING TO VEHICLES." (ACT 021)

Gov. Msg. No. 1122, informing the House that on April 17, 2012, the following bill was signed into law:

S.B. No. 2518, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES." (ACT 022)

Gov. Msg. No. 1123, informing the House that on April 17, 2012, the following bill was signed into law:

S.B. No. 2650, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTION OF CONTROLLED SUBSTANCES." (ACT 023)

Gov. Msg. No. 1124, informing the House that on April 17, 2012, the following bill was signed into law:

H.B. No. 1965, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR PHARMACISTS." (ACT 024)

Gov. Msg. No. 1125, informing the House that on April 17, 2012, the following bill was signed into law:

S.B. No. 2503, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY." (ACT 025)

Gov. Msg. No. 1126, informing the House that on April 17, 2012, the following bill was signed into law:

H.B. No. 2181, entitled: "A BILL FOR AN ACT RELATING TO VACANCIES." (ACT 026)

Gov. Msg. No. 1127, informing the House that on April 17, 2012, the following bill was signed into law:

H.B. No. 2587, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAILING SCHOOL VESSELS." (ACT 027)

Gov. Msg. No. 1128, informing the House that on April 17, 2012, the following bill was signed into law:

H.B. No. 2533, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF AGGRAVATED CIRCUMSTANCES IN THE CHILD PROTECTIVE ACT." (ACT 028)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 761 through 765) were received and announced by the Clerk:

Sen. Com. No. 761, dated April 18, 2012, informing the House that the Senate has on April 17, 2012, reconsidered its action taken on April 12, 2012, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2798, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURER REQUIREMENTS."

Sen. Com. No. 762, dated April 18, 2012, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 240, Tokuda, Chair; Green/Ige, Co-Chairs
SD 2, HD 2

S.B. No. 243, Tokuda, Chair; Ige, Co-Chair; Kidani
SD 2, HD 1

S.B. No. 596, Green, Chair; Tokuda/Ige, Co-Chairs
SD 2, HD 1

S.B. No. 1276, Baker, Chair; Espero, Co-Chair; Chun Oakland,
SD 2, HD 2 Taniguchi, Slom

S.B. No. 1332, Tokuda, Chair; Espero/Kouchi, Co-Chairs; English,
SD 2, HD 2 Slom

S.B. No. 1382, Tokuda, Chair; Kidani, Co-Chair; Slom
SD 2, HD 1

S.B. No. 2873, Gabbard, Chair; Ihara, Slom
SD 1, HD 3

Sen. Com. No. 763, dated April 18, 2012, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 2251, Hee, Chair; Kidani, Co-Chair; English, Kouchi,
SD 1 Slom

H.B. No. 2265, Espero, Chair; Kidani, Co-Chair; Kouchi
HD 2, SD 2

H.B. No. 2275, Green, Chair; Chun Oakland/Ige, Co-Chairs; Baker,
HD 2, SD 2 Kouchi

H.B. No. 2314, Kim, Chair; Ige, Co-Chair; Kouchi, Slom
HD 1, SD 1

H.B. No. 2338, Fukunaga, Chair; Ige/Dela Cruz, Co-Chairs
HD 2, SD 1

H.B. No. 2417, Gabbard, Chair; Ige, Co-Chair; Espero, Slom
HD 2, SD 2

H.B. No. 2524, Fukunaga, Chair; Baker/Espero, Co-Chairs; Kouchi
HD 2, SD 2

H.B. No. 2526, Fukunaga, Chair; Baker/Wakai, Co-Chairs; Kouchi,
HD 2, SD 2 Slom

ROUGH DRAFT

Sen. Com. No. 764, transmitting H.C.R. No. 12, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE FOURTH WEEK OF JANUARY OF EVERY YEAR AS "REPRODUCTIVE RIGHTS AWARENESS WEEK," TO ENCOURAGE PUBLIC AWARENESS, CONVERSATION, AND SUPPORT FOR REPRODUCTIVE RIGHTS AWARENESS," which was adopted by the Senate on April 18, 2012.

Sen. Com. No. 765, transmitting H.C.R. No. 150, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE MONTH OF APRIL OF EACH YEAR AS AUTISM AWARENESS MONTH IN HAWAII," which was adopted by the Senate on April 18, 2012.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1785-12), recommending that S.C.R. No. 74, be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that S.C.R. No. 74, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Souki rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker and Members of the House. I have to speak against this motion. I know that the intent is good, and I respect the Chairman for providing this. But the State Constitution provides that all property tax responsibilities belong to the county, and I don't believe that we can supersede the Constitution. Thank you very much."

Representative Awana rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I'd like to ask for a ruling on a potential conflict. Our family owns Kuleana lands," and the Chair ruled, "no conflict."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 74, entitled: "SENATE CONCURRENT RESOLUTION URGING THE COUNTIES TO PRESERVE PROPERTY TAX EXEMPTIONS FOR KULEANA LANDS," was referred to the Committee on Finance, with Representative Souki voting no, and with Representatives Ching and Tokioka being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1786-12), recommending that S.C.R. No. 151, SD 1, be referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 151, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DEPARTMENT OF HEALTH, AND OFFICE OF PLANNING TO STREAMLINE THE PERMITTING PROCESS FOR THE RESTORATION OF HAWAIIAN FISHPONDS," was referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, with Representatives Ching and Tokioka being excused.

Representatives Hanohano and Wooley, for the Committee on Hawaiian Affairs and the Committee on Culture & the Arts presented a report

(Stand. Com. Rep. No. 1787-12) recommending that S.C.R. No. 116, be adopted.

Representative Chong moved that the report of the Committee be adopted, and that S.C.R. No. 116, be adopted, seconded by Representative Evans.

Representative Takai rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Thank you, Mr. Speaker, for allowing me to submit written comments in support of Senate Concurrent Resolution 116, approving the selection of Daniel Kahikina Akaka to be inducted into the Aloha Order of Merit.

"It is an honor and privilege to stand in support of Senator Akaka, our United States Senator, and to recognize him for his many years of dedicated service to our country and his unwavering commitment to the people of Hawaii.

"He is a longstanding member of the U.S. Senate Armed Services and Veterans' Affairs Committees and was honored by the National Guard Association of the United States at the National Guard Memorial in Washington, D.C. on November 5, 2011 as the 2011 recipient of the Harry S. Truman Award for Distinguished Service.

"Senator Akaka was recognized for his work in helping to increase benefits, full-time manning, and the availability of body armor for the National Guard. He was also recognized for rewriting the Post-9/11 GI Bill to include National Guardsmen mobilized while on Title 32 status. Sen. Akaka was nominated for this award by retired United States Army Col. Raymond Jardine, Jr.

"The Truman award is the highest award given by the National Guard Association of the United States. Past recipients have been Presidents, Senators, Congressmen, Governors and senior general officers.

"Senator Akaka joins Senator Daniel K. Inouye and Governor Neil Abercrombie as the third recipient of this national award from Hawaii. Despite being one of the smallest states in the Union, Hawaii, with three recipients, has the most Truman Award recipients of all the 50 states.

"Senator Akaka is a combat and war veteran who served in the Pacific, with the United States Army Corp of Engineers, during World War II. He was initially based at Schofield Barracks and then assigned to the Pacific islands of Tinian and Saipan.

After the war, Senator Akaka returned to Hawaii, and like many young veterans of his generation, he attended college with the help of the GI Bill. Upon graduating from the University of Hawaii at Manoa, he became a teacher and spent many years educating the young people of Hawaii. Since 1976, he has represented Hawaii in Washington D.C., first in the House of Representatives and currently in the Senate. That's 36 years of service to our state and our people.

"Senator Akaka is the only Native Hawaiian and the only member of Chinese ancestry serving in the United States Senate. As the first United States Senator of Native Hawaiian ancestry, Sen. Akaka brings the unique perspective of Hawaii's history and multicultural society to bear in his effort to promote dialogue and reconciliation between Native Hawaiians and the Federal Government. Not only does he represent the people of Hawaii in Washington, but he is also an example to us of the way to live and serve with aloha. He has taught us all that you can be nice, pleasant, and gracious – you can have the spirit of aloha as you work with others – and still be an effective and powerful lawmaker.

"I have many personal memories of Senator Akaka. I recall a time that I was walking through the Senate's Hart Building with some National Guard buddies from other states. There in front of us was Senator Akaka. As is the case on many occasions with people from Hawaii, Senator Akaka embraced me with his signature hug of aloha. We briefly talked about the National Guard priorities before his Committee. After parting, my fellow

Guard colleagues couldn't believe what they just witnessed. A U.S. senator full of welcome, full of aloha.

"I also will cherish the many times we would see him and Auntie Millie with Grand Master Hong. They would spend hours, if not days, with Master Hong either at the Chi Center or at Master's Punaluu home. There Senator Akaka and all of us would have some time to get re-energized. There's something to be said about spending time in the *furo* and watching as the days turn to nights, and back to days.

A few years ago Senator Akaka sat down with Leslie Wilcox on the PBS Hawaii show "Long Story Short." These are some of the words of wisdom that Senator Akaka shared during that interview. He said:

The people of Hawaii tend to work together so much better than other places. And I feel that that style is really needed in the Capitol and in the country. And I think the diversity of Hawaii, the diversity of people has helped to bring that about. Hawaii is Hawaii because of its culture, its people, its diversity; and we need to keep that.

"Grace, dignity and aloha. These are the words that reminded me of day when Senator Akaka announced that he would retire from the U.S. Senate. He will leave his seat this year. But, he leaves on his own terms and at his own time. He leaves public office just as he's worked throughout his nearly 40 years in Washington, D.C. – with grace, dignity and aloha.

"Hawaii is Hawaii also because of the lifetime commitment and tremendous contributions of Senator Akaka. For these reasons, I strongly support this Resolution."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.C.R. No. 116, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SELECTION OF DANIEL KAHIKINA AKAKA TO BE INDUCTED INTO THE ALOHA ORDER OF MERIT," was adopted, with Representatives Ching and Tokioka being excused.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

At this time, the Chair announced:

"Yesterday, Members, we reconsidered our previous disagreement and gave notice to intent to agree to amendments made by the Senate to H.B. No. 2497.

"Subsequent to our action yesterday, it was learned that the companion measure, S.B. No. 2759 had passed Final Reading in the Senate and was enrolled to the Governor. As a result, we need not take action on H.B. 2497 for agreement for Final Reading."

SUSPENSION OF RULES

The Chair also announced:

"Members, please note that the Chair has discharged the House Conferees previously appointed to the following House Bills: H.B. No. 2374 SD1, and H.B. No. 2454 HD1 SD1. The House will now proceed to reconsider its disagreement to the Senate amendments of certain House Bills, including the aforementioned measures."

On motion by Representative Chong, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Ching and Tokioka were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative Chong moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans and carried: (Representatives Ching and Tokioka were excused.)

H.B. No. 297, HD 1, (SD 1)
H.B. No. 626, (SD 1)
H.B. No. 1671, HD 2, (SD 2)
H.B. No. 1754, HD 1, (SD 1)
H.B. No. 1967, HD 2, (SD 2)
H.B. No. 2169, HD 2, (SD 1)
H.B. No. 2374, (SD 1)
H.B. No. 2454, HD 1, (SD 1)
H.B. No. 2574, HD 1, (SD 1)
H.B. No. 2656, HD 2, (SD 2)

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. I just wanted to remind Members that tomorrow is our annual Hemp Aloha Friday, and to either wear your hemp shirt or natural fiber shirt in honor of Earth Day. Thank you."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

| <u>S.C.R.</u> <u>Nos.</u> | <u>Re-referred to:</u> |
|------------------------------|--|
| 87, SD1 | Committee on Hawaiian Affairs |
| 109, SD1 | Jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts |
| 137, SD1 | Committee on Economic Revitalization & Business |

ADJOURNMENT

At 11:53 o'clock a.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Friday, April 20, 2012. (Representatives Ching and Tokioka were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 19, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 1054, Takumi/Yamashita, Co-Chrs.;
HD 1, SD 1 Hashem, Mizuno, Johanson

House Communication dated April 19, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 2152, Rhoads/McKelvey/Oshiro, Co-Chrs.;
HD 2, SD 2 Yamashita, Johanson

House Communication dated April 19, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 240, Yamane/M. Lee, Co-Chrs.;
SD 2, HD 2 Morikawa, Pine

House Communication dated April 19, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 243, Nishimoto/Tokioka, Co-Chrs.;
SD 2, HD 1 Nakashima, Saiki, Johanson

House Communication dated April 19, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 1382, Nishimoto/Takumi/Yamashita/Tokioka, Co-Chrs.;
SD 2, HD 1 Belatti, Nakashima, Johanson

House Communication dated April 19, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 2374, Discharged all conferees.
SD 1

House Communication dated April 19, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

S.B. No. 1065, Added Representative Awana as a member.
SD 1, HD 1

House Communication dated April 19, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 2454, Discharged all conferees.
HD 1, SD 1

House Communication dated April 19, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 3, 2012, and gives notice of intent to agree to the following House Bill:

H.B. No. 2169, HD 2, SD 1

House Communication dated April 19, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 12, 2012, and gives notice of intent to agree to the following House Bills:

H.B. No. 297, HD 1, SD 1
H.B. No. 626, SD 1
H.B. No. 1671, HD 2, SD 2

H.B. No. 1967, HD 2, SD 2
H.B. No. 2374, SD 1
H.B. No. 2454, HD 1, SD 1
H.B. No. 2574, HD 1, SD 1
H.B. No. 2656, HD 2, SD 2

House Communication dated April 19, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on March 27, 2012, and gives notice of intent to agree to the following House Bill:

H.B. No. 1754, HD 1, SD 1